

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS PENSION FUND)	
AND WELFARE FUNDS,)	
)	
Plaintiffs,)	
)	No. 08 C 2280
v.)	
)	Judge Andersen
)	
MCDONALD TRANSPORT CORP.)	Magistrate Judge Denlow
an Illinois corporation not in good standing, and)	
PATRICK MCDONALD, Individually)	
)	
Defendants.)	

MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on April 22, 2008 for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Service upon MCDONALD TRANSPORT CORP., an Illinois corporation not in good standing, was made on the Defendant on May 28, 2008, and a copy of the proof of service was filed with the court on June 4, 2008.
3. Service upon Patrick McDonald, Individually, was made on the Defendant on May 28, 2008, and a copy of the proof of service was filed with the court on June 4, 2008.

4. On June 20, 2008, PATRICK MCDONALD, Individually and as President of McDonald Transport Corp. entered into a Pension Fund installment note for \$2,247.13 (Exhibit A). Installment payments have made through October 30, 2008. There remains a balance due the Pension Fund of \$1,290.28 (Exhibit B).

5. On June 20, 2008, PATRICK MCDONALD, Individually and as President of McDonald Transport Corp. entered into a Welfare Fund installment note for \$5,040.72 (Exhibit C). Installment payments have made through October 30, 2008. There remains a balance due the Pension Fund of \$2,583.30 (Exhibit D).

6. The Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$1,290.28 Pension installment note
\$2,583.30 Welfare installment note
\$925.00 Attorneys fees
\$447.00 Court costs
\$5,245.58

WHEREFORE, Plaintiffs pray for the entry of judgment against Defendants, MCDONALD TRANSPORT CORP. , an Illinois corporation not in good standing and PATRICK MCDONALD, Individually, jointly and severally and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$5,245.58.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

s/John J. Toomey
ARNOLD AND KADJAN
19 W. Jackson Blvd., Suite 300
Chicago, IL 60604
Telephone No.: (312) 236-0415
Facsimile No.: (312) 341-0438
Dated: February 18, 2009

EXHIBIT A

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS**McDonald Transport, Inc. : Pension Fund****June 20, 2008**

Received
JUN 24 2008
Pension Fund Office

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Pension Fund the principal total of \$ 2,247.13 (**Two Thousand Two Hundred Forty Seven and 13/100 dollars.**)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period Nov., 2006 through March, 2008.

The Employer shall make a **down payment** of \$ **561.78** on June 20, 2008, leaving a principal balance of \$ **1,685.35**. That balance is to be paid with 10% annual interest in **12** equal and consecutive monthly **installments** of \$ **148.17** beginning on July 30, 2008. Payments should be sent to:

Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

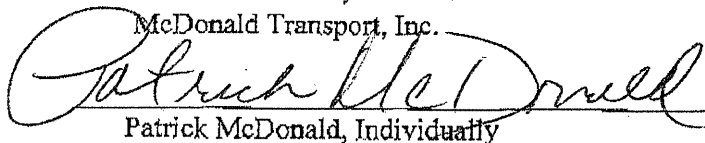
The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By: 

Patrick McDonald, President
McDonald Transport, Inc.

Date: 6-20-08

Patrick McDonald, Individually

Date: 6-20-08

EXHIBIT B

McDonald Transport, Corp.

Er # 4449

Pension Fund

PRINCIPAL TOTAL: \$ (2,247.13)

DOWN PYMT: \$561.78

Date: June 20, 2008

Ck #: 1605

PRINC BALANCE: \$ (1,685.35)

NMBR PYMNTS: 12

MNTHLY PYMT: **\$148.17 /month**

PAY THIS... ..OR THIS		AFTER REGULAR PAYMENT			Payments	Made
Date DUE	NOTE BALANCE	PEN PYMNT	PRINC PD	CURRENT PRINC BAL	Date	Check #
1 07/30/08	1,699.39	148.17	134.12	1,551.23	1 8/29/08	1630
2 08/30/08	1,564.15	148.17	135.24	1,415.98	2 9/26/08	1643
3 09/30/08	1,427.78	148.17	136.37	1,279.61	3 11/6/08	1655
4 10/30/08	1,290.28	148.17	137.51	1,142.11	4 12/11/08	1663
5 11/30/08	1,151.63	148.17	138.65	1,003.46	5	
6 12/30/08	1,011.82	148.17	139.81	863.65	6	
7 01/30/09	870.85	148.17	140.97	722.68	7	
8 02/28/09	728.70	148.17	142.15	580.53	8	
9 03/30/09	585.37	148.17	143.33	437.20	9	
10 04/30/09	440.84	148.17	144.53	292.67	10	
11 05/30/09	295.11	148.17	145.73	146.94	11	
12 06/30/09	148.17	148.17	146.94	(0.00)	12	

EXHIBIT C

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS**McDonald Transport, Inc. : Welfare Fund**

June 20, 2008

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Welfare Fund the principal total of \$ 5,040.72 (**Five Thousand Forty and 72/100** dollars.)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period Aug., 2006 through March, 2008.

The Employer shall make a down payment of \$ 1,260.18 on June 20, 2008, leaving a principal balance of \$ 3,780.54. That balance is to be paid with 10% annual interest in 12 equal and consecutive monthly installments of \$ 332.37 beginning on July 30, 2008. Payments should be sent to:

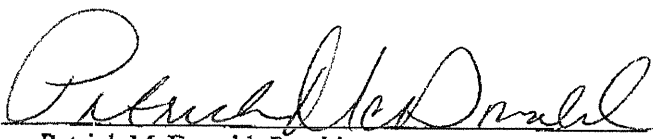
Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

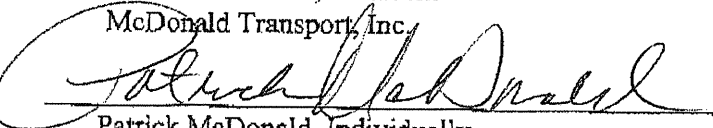
Or such other place as may be directed by the legal holder of this Note.

The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 6-20-08
Patrick McDonald, President
McDonald Transport, Inc.

 Date: 6-20-08
Patrick McDonald, Individually

Received
JUN 24 2008
Pension Fund Office

EXHIBIT D

McDonald Transport, Corp.

Er # 4449

Welfare Fund

PRINCIPAL TOTAL: \$ (5,040.72)

DOWN PYMT: \$1,260.18

Date: June 20, 2008

Ck #: 1606

PRINC BALANCE: \$ (3,780.54)

NMBR PYMNTS: 12

MONTHLY PYMT: \$332.37 /month

PAY THIS... ..OR THIS		AFTER REGULAR PAYMENT			Payments	Made
Date DUE	NOTE BALANCE	WEL PYMNT	PRINC PD	CURRENT PRINC BAL	Date	Check #
1 07/30/08	3,812.04	332.37	300.87	3,479.67	1 8/27/08	1629
2 08/30/08	3,508.67	332.37	303.37	3,176.30	2 9/26/08	1642
3 09/30/08	3,202.77	332.37	305.90	2,870.40	3 11/6/08	1654
4 10/30/08	2,894.32	332.37	308.45	2,561.95	4 12/11/08	1662
5 11/30/08	2,583.30	332.37	311.02	2,250.93	5	
6 12/30/08	2,269.69	332.37	313.61	1,937.32	6	
7 01/30/09	1,953.46	332.37	316.23	1,621.09	7	
8 02/28/09	1,634.60	332.37	318.86	1,302.23	8	
9 03/30/09	1,313.09	332.37	321.52	980.72	9	
10 04/30/09	988.89	332.37	324.20	656.52	10	
11 05/30/09	661.99	332.37	326.90	329.62	11	
12 06/30/09	332.37	332.37	329.62	(0.00)	12	